

REMARKS

This is a full and timely response to the outstanding final Office Action mailed July 25, 2007. Reconsideration and allowance of the application and pending claims are respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

In the present case, the prior art at least does not teach or suggest all of the claim limitations.

A. Rejection of Claims 1-3 and 17

Claims 1-3, 9, and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Poisner* (U.S. Pat. No. 6,842,776) further in view of *Devine, et al.* ("Devine," U.S. Pat. No. 6,944,662). Applicant respectfully traverses this rejection.

Applicant's independent claim 1 provides as follows:

1. A method for reporting to requesting subscribers about peripheral device events, the method comprising:

maintaining subscription profiles for the subscribers that indicate the subscribers' preferences in regard to event notifications and periodic subscription reports that can be provided to the subscribers, each profile specifying what peripheral device event information the subscriber wishes to receive and the format in which the subscriber wishes to receive the peripheral device event information;

gathering event data from a plurality of peripheral devices relating to peripheral device events that have occurred at the peripheral devices;

saving the event data to a database;

automatically sending to designated subscribers event notifications upon occurrence of the peripheral device events, the event notifications being sent according to criteria contained in the subscriber profiles; and separate from sending the event notifications, automatically generating periodic subscription reports at regular periodic intervals according to criteria contained in the subscriber profiles and automatically sending the periodic subscription reports to designated subscribers according to criteria contained in the subscriber profiles.

In addressing claim 1 on page 3 of the final Office Action, the Examiner alleges that Poisner discloses “automatically sending to designated subscribers notification according to criteria contained in the subscriber profiles.” As a first matter, Applicant notes that the above phrase is not what Applicant is recited in claim 1. Instead, claim 1 explicitly requires the action of “automatically sending to designated subscribers *event* notifications *upon occurrence of the peripheral device events*, the event notifications being sent according to criteria contained in the subscriber profiles” (emphasis added). As identified in Applicant’s previous Response, Poisner does not disclose sending notifications as to *events* that occur at a peripheral device or sending the event notifications *upon their occurrence*, i.e., when they happen. Instead, Poisner merely discloses receiving “usage information” and transmitting that information to a “remote database.” *Poisner*, column 2, lines 29-37. Furthermore, Poisner explicitly states that the information is transmitted “on a regular basis,” i.e., periodically. *Poisner*, column 3, lines 45-48.

As a second, Poisner clearly does not disclose sending event notifications “according to criteria contained in the subscriber profiles”. Specifically, Poisner is silent to any such “profile.” Indeed, the Examiner *explicitly admits this* later on page 3:

Poisner *fails to teach* the limitation further including maintaining subscription profiles for the subscribers that indicate the subscribers’ preferences in regard to event notification . . .

Final Office Action, page 3, last paragraph.

In view of the above, it is clear that Poisner does not in fact disclose “automatically sending to designated subscribers event notifications upon occurrence of

the peripheral device events, the event notifications being sent according to criteria contained in the subscriber profiles” as implied in the final Office Action.

Also on page 3 of the final Office Action, the Examiner alleges that Poisner discloses “automatically generating periodic subscription reports at regular periodic intervals according to criteria contained in the subscriber profiles and automatically sending the periodic subscription reports to designated subscribers according to criteria contained in the subscriber profiles”. This is untrue. Again, Poisner is silent as to the use of “subscriber profiles” and the Examiner has admitted that fact.

In view of the fact that Poisner does not in fact disclose the “maintaining subscription profiles” limitation of claim 1, the Examiner turns to the Devine reference, which is alleged to provide disclosure of that limitation and motivation for its combination into Poisner’s system. In particular, the Examiner cites column 49, lines 12-43 and column 55, lines 30-37 of the Devine reference. Those passages provide as follows:

With reference to FIG. 8, as each service dataset is received from the publisher it is combined with other datasets and re-broadcast until the destination subscriber 470 receives the subscribed-to datasets. Thus, servers 410, 420, and 430 each broadcast datasets to server 440 that combines the received datasets into a larger package. When the package is complete, it is then broadcast to the next level down. At the bottom of the hierarchy is the subscribed client 470, which unpacks the datasets as they are received.

Depending on the number of layers there will be a hierarchy in the storage format of the datasets. The unpacking function can either detect

the number of layers automatically, or make use of information added at each re-broadcast indicating the number of levels.

The step of combining may include calculating a result based on data from more than one broadcasting source. For example, the receiving CD 10 may compute a figure of merit comparing the performance of two similar machines in production lines. The CD 10 may then become a publisher for a new service whose function is to make this comparison, and then broadcast the result to one or more subscribers. The broadcast may be on a demand basis (i.e., requested by the subscriber for immediate delivery), on a scheduled basis (i.e., updated versions delivered periodically to the subscriber based on current data), or on an actuated basis (i.e., computed and sent each time new data are received by the publisher CD 10). It is also within the scope of this type of service to provide warnings and other types of notifications to subscribers based on the result of the comparative calculation, and for the broadcast to be triggered by comparative calculation yielding a value exceeding some threshold.

An example of custom handling includes the case where the subscriber only requires, for example, a single number from the service output dataset. Through custom handling of the service output, the subscriber can specify that specific output data be received, and also how the output is to be formatted. Thus, a subscriber can create sophisticated, custom reports using data obtained from a number of distributed services in the format(s) of the subscriber's choice.

Devine, column 49, lines 12-43; column 55, lines 30-37

Applicant asserts that the above passages do not teach the aspects of the “maintaining subscription profiles” limitation of claim 1. First, those passages do not describe “subscription profiles” at all. Although Devine states that a subscriber “specifies output data to be received” in column 55, such a disclosure is not a teaching of a “profile” containing subscriber preferences.

Second, the cited passages of the Devine reference fail to disclose maintaining subscriptions that indicate subscriber preferences “in regard to event notifications”. Again, although Devine speaks of particular “output data” to be received, that output data is not described in the cited passages as comprising “event notifications”, i.e., notification as to “peripheral device events that have occurred at the peripheral devices”. See claim 1.

Third, the cited passages of the Devine reference do not disclose a profile specifying “the format in which the subscriber wishes to receive the peripheral device event information”. Regarding Devine’s discussion of a subscriber creating custom reports in the format of the subscriber’s choice, what Devine is actually describing is a subscriber receiving a report in a fixed format and then modifying it *after it is received*. That is, the subscriber sets the format, without any input from the subscriber, and the subscriber can modify it as the subscriber sees fit. As described by Devine:

The output format of a service is specified by the publisher, and the delivered data may be altered by the subscriber at the point of delivery, such as by discarding unwanted data.

Devine, column 6, lines 22-25. Furthermore, *Devine* states:

It is noted that in the preferred implementation all data specified in the service output is delivered to the subscriber. The subscriber then decides what data to use and what to ignore.

Devine, column 11, line 67 to column 12, line 3. In view of the fact that the publisher sets the format, it logically follows that no profile is used to control the format of the information that the subscriber receives in *Devine*'s system.

In view of the foregoing, it is clear that the applied references do not teach or suggest each and every limitation of claim 1. Applicant therefore asserts that independent claim 1 and its dependents are allowable. Applicant notes that independent claim 17 and its dependents are also allowable for similar reasons.

B. Rejection of Claims 5-7, 10, 12, 13, and 16-19

Claims 5-7, 10, 12, 13, and 16-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Poisner* and *Devine* in view of *Grasso, et al.* ("Grasso," U.S. Pat. No. 5,892,909). Applicant respectfully traverses the rejection.

As identified above, *Poisner* and *Devine* do not teach aspects of Applicant's claims. In that *Grasso* does not remedy the deficiencies of the *Poisner* and *Devine* references, Applicant respectfully submits that claims 5-7, 10, 12, 13, and 16-19 are allowable over the *Poisner/Devine/Grasso* combination for at least the same reasons that claims 1, 10, and 17 are allowable over *Poisner/Devine*.

C. Rejection of Claim 20

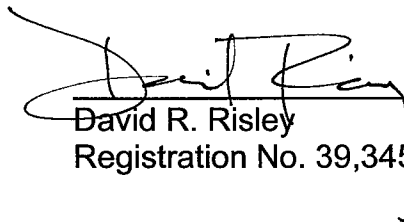
Claim 20 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Posner* and *Devine* in view of *Barrett, et al.* ("Barrett," U.S. Pat. No. 5,568,612). Applicant respectfully traverses the rejection.

As identified above, *Posner* and *Devine* do not teach aspects of Applicant's claims. In that *Grasso* does not remedy the deficiencies of the *Posner* and *Devine* references, Applicant respectfully submits that claim 20 is allowable over the *Posner/Devine/Barrett* combination for at least the same reasons that claims 1 is allowable over *Posner/Devine*.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



David R. Risley
Registration No. 39,345